

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

BILLY WAYNE LOCKE

Plaintiff,

v.

NATHAN STILES,

Defendant.

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Case No. 1:23-cv-94

Judge Travis R. McDonough

Magistrate Judge Christopher H. Steger

ORDER

Before the Court is Magistrate Judge Steger's report and recommendation that the Court dismiss Plaintiff's complaint (Doc. 14).

Plaintiff filed this action *pro se* and moved to proceed *in forma pauperis*. (Docs. 1, 9.) Under the Prison Litigation Reform Act, district courts must screen *pro se* complaints—even when the plaintiff is not a prisoner but seeks *in forma pauperis* status—and *sua sponte* dismiss any claims that are frivolous or malicious, fail to state a claim on which relief may be granted, or name a defendant who is immune. *See* 28 U.S.C. § 1915(e)(2); *Baker v. Wayne Cnty. Fam. Indep. Agency*, 75 F. App'x 501, 502 (6th Cir. 2003) ("The statute requires courts to dismiss *in forma pauperis* complaints that fail to state a claim[] and applies to complaints filed by non-prisoners as well as prisoners." (citations omitted)). Magistrate Judge Steger recommended that Plaintiff's motion to proceed *in forma pauperis* be denied because he has filed three frivolous claims in this Court and because he does not now allege he is in imminent danger of serious physical injury. (Doc. 14, at 2 (citing 28 U.S.C. § 1915(g)).) In doing so, Magistrate Judge Steger ordered Plaintiff to pay the Clerk of Court the \$350.00 filing fee and warned that failure

to do so would result in dismissal of this action for failure to prosecute. (*Id.* at 3.) It does not appear from the record that Plaintiff has paid the required fee within the provided time.

After reviewing the record and the applicable law, the Court agrees with the magistrate judge's findings of fact, conclusions of law, and recommendation. Therefore, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 14) and **ORDERS** that all of Plaintiff's complaint be **DISMISSED** for failure to prosecute.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE